

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	8:02CR23
	)	
v.	)	
	)	
LAFAYETTE J. TROTTER, JR.,	)	ORDER
	)	
Defendant.	)	
_____	)	

This matter is before the Court on the motion of defendant, LaFayette J. Trotter, Jr., for reconsideration of his sentence pursuant to § 3553(a) (Filing No. [113](#)). The motion will be denied.

In 2002, the Court originally sentenced defendant to 360 months for his violation of 21 U.S.C. § 841(a)(1). On November 20, 2007, pursuant to a Rule 35 motion, defendant's sentence was reduced to 240 months. Defendant now seeks a further reduction of his sentence.

"A district court may modify a term of imprisonment only in limited circumstances." United States v. Cannon, 719 F.3d 889, 891 (8th Cir. 2013); 18 U.S.C. § 3582(c). Under 18 U.S.C. § 3582(c), a district court may modify a sentence upon the motion of the Director of the Bureau of Prisons. 18 U.S.C. § 3582(c)(1)(A). The district court may also modify a sentence under its own motion according to Rule 35, which limits modification to correcting clerical errors within fourteen days

of sentencing or reducing sentencing when a defendant provides "material assistance" to the government. 18 U.S.C.

§ 3582(c)(1)(B); Fed. R. Crim. P. § 35. Finally, a district court may modify a sentence upon the motion of the defendant if the sentencing range of imprisonment has been lowered. 18 U.S.C. § 3582(c)(2).

None of these conditions are applicable. Accordingly,

IT IS ORDERED that defendant's motion for reconsideration of his sentence pursuant to § 3553(a) is denied.

DATED this 2nd day of October, 2013.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court